D.B. CIVIL SPECIAL APPEAL NO.304/2007
Meva Vs. The Board of Revenue & Ors.

Date : 02.05.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. P.S. Rathore for the appellant.

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Having heard learned counsel for the appellant we are satisfied that there is no force in this appeal.

The appellant-petitioner has filed a suit for declaration of his khatedari interest in the land on the basis of long possession since before commencement of the Rajasthan Tenancy Act over the land in question situated in Jaisalmer District. The suit was decreed by the trial court. But both the appellate authorities found on the basis of available record that in Samwat Year 2015 to 2019 in the land records the name of appellant was recorded as Gair Khatedar but it was also recorded that nobody was in possession of the land. Since 1968 the land has been shown in the land records as

Government land. In sanvat year 2038, the appellant has been allotted the same land for temporary cultivation for one year. Considering all these facts, the appellate authority has found that the long possession of the appellant-petitioner not been proved and, therefore, he is not entitled for declaration of khatedari in the said land.

Aggrieved with the aforesaid orders of the Board of Revenue and the Additional Commissioner (Colonisation), the appellant preferred S.B. Civil Writ Petition No.5593/2007 which has been dismissed by the learned Single Judge vide judgment under appeal holding that these findings are findings of fact and cannot be interfered by invoking extra ordinary jurisdiction.

We are in agreement with the learned Single Judge.

The appeal fails and is hereby dismissed.

[BHANWAROO KHAN], J. [ RAJESH BALIA ], J.

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